

ISSUE DATE: June 19, 2014

PROGRAM INFORMATION BULLETIN NO. P14-05

FROM: KEVIN G. STRICKLIN
Administrator for
Coal Mine Safety and Health

NEAL MERRIFIELD
Administrator for Metal and Nonmetal
Mine Safety and Health

SUBJECT: Additional Filing Options for Representative of Miners

Who needs this information?

Mine Safety and Health Administration (MSHA) enforcement personnel, coal mine operators, metal and nonmetal mine operators, miners, miners' representatives, and interested persons need this information.

Why is MSHA issuing this Program Information Bulletin?

This Program Information Bulletin (PIB) provides information to miners' representatives who submit information under Title 30 of the Code of Federal Regulations (30 CFR) Part 40 – Representative of Miners. This PIB also notifies miners' representatives of filing options that preserve the confidentiality of designating miners, if desired.

Information

Under 30 CFR Part 40, a representative of miners must file with MSHA the information required under § 40.3. Filing this information prior to an MSHA inspector's arrival at the mine site reduces mine-site conflict and uncertainty. First, an MSHA inspector can more efficiently conduct an inspection because the inspector has prior notice of the identity of the miners' representative and can contact the representative immediately upon arriving at the mine. Second, other miners and the mine operator have prior notice of the designation of the miners' representative, potentially reducing on-site challenges.

Under § 40.2(b) Miners or their representative organization may appoint or designate different persons to represent them under various sections of the act relating to representatives of miners. The required information includes the names of at least two designating miners and their contact information. However, while MSHA must be informed of the designating miners' identities in order to verify the designation, there is no requirement that the identities of the designating miners be generally known or published. For this reason, if the designating miners desire confidentiality, miners' representatives should file the required information in a manner that preserves this confidentiality.

MSHA now offers three different filing options by which miners' representatives may provide the required information, all of which can preserve miners' confidentiality of the designating miners. MSHA has created an optional form, *Representative of Miners Designation Form*, MSHA Form 2000-238 which permits miners' representatives to preserve the confidentiality of the designating miners, if desired. Miners' representatives may easily file in one of three ways:

- contact the appropriate District Manager and
 - provide the completed MSHA Form 2000-238 (checking "confidential" if applicable) or;
 - provide the required information orally (requesting a confidential designation if applicable).
- call the MSHA hotline telephone number (one call does it all), 1-800-746-1553, and provide the information as prompted. The representative servicing the hotline uses MSHA Form 2000-238.
- file online at www.msha.gov, under Online Tools, select Online Filing/Forms Homepage on the left side of page, then select Reports/Notices/Complaints, and select Notification of Representative of Miners.

For all filings requesting a confidential designation, MSHA limits access to the appropriate District Manager and the District Manager's designees.

What is the background for this PIB?

The Federal Mine Safety and Health Act of 1977 (Mine Act) permits miners' representatives to represent miners under various sections of the Act relating to representatives of miners. MSHA's requirements for registering miners' representatives are in 30 CFR Part 40.

What is MSHA's authority for this PIB?

The Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. § 801 et seq.; 30 CFR Part 40.

Internet Availability

This information bulletin may be viewed on the Internet by accessing MSHA's home page at <http://www.MSHA.gov> under MSHA's Major Laws, Regulations and Policies select Compliance Information (PIBs, PILs, the PPM and More) and then select Program Information Bulletins.

Issuing office and contact person

Coal Mine Safety and Health

Don Braenovich, (202) 693-9551

E-mail: Don.Braenovich@dol.gov

Metal and Nonmetal Mine Safety and Health

Brian Goepfert, (202) 693-9645

E-mail: goepfert.brian@dol.gov

Distribution

MSHA Enforcement Personnel

MSHA Program Policy Manual Holders

Miners' Representatives

Coal and Metal and Nonmetal Mine Operators

Special Interest Groups